UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,272	09/07/2004	John Ronald Burr	133684-1	5271

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/711,272	BURR ET AL.
	Examiner	Art Unit	
	Dangelino N. Gortayo	2168	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 March 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 September 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 are pending in this application.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

3/19/2007 has been entered.

Response to Amendment

3.   In the amendment filed on 2/26/07, claims 1-2, 4-7, 15, and 23 have been

amended. The currently pending claims considered below are Claims 1-24.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 15-16 and 23-24 rejected under 35 U.S.C. 102(e) as being anticipated by

Petite (US Patent 7,103,511 B2).

As per claim 15, Petite teaches "A method for sharing configuration information

among a plurality of devices," (see Abstract and column 2 line 48 – column 3 line 6)

"the method comprising: transmitting a data sample from a producer device to a

consumer device via a network;" (Figure 1 references 130, 140, column 5 lines 17-23,

and column 6 lines 44-61, wherein one or more sensors or actuators are connected to

the network and sends information to site controllers)

"receiving a request at the producer device from the consumer device to send

configuration information to the consumer device, the configuration information relating

to the data sample;" (column 11 lines 11-56 and column 16 lines 10-20, wherein site

controllers contain memory with look-up tables holding specific settings and functions,

and can pass messages to a plurality of sensor/actuators containing commands)

"automatically transmitting the configuration information stored in the producer

device that is not from a central configuration repository from the producer device to the

consumer device via the network in response to receiving the request from the

consumer device" (column 12 lines 8-19, lines 56-64, and column 15 line 25-41, lines

48-57, wherein a site controller can send changes in current sensor/actuator settings in

response to detected data from sensor/actuators)

As per claim 16, Petite teaches "detecting a mismatch at the consumer device in

the configuration information." (column 6 line 62 – column 7 line 7)

As per claim 23, Petite teaches "A computer program product for sharing

configuration information among a plurality of devices," (see Abstract and column 2 line

48 – column 3 line 6)

"the computer program product comprising: a storage medium readable by a

processing circuit and storing instructions for execution by the processing circuit for

performing a method comprising:" (column 8 lines 35-58)

"transmitting a data sample from a producer device to a consumer device via a

network;" (Figure 1 references 130, 140, column 5 lines 17-23, and column 6 lines 44-

61, wherein one or more sensors or actuators are connected to the network and sends

information to site controllers)

"receiving a request at the producer device from the consumer device to send

configuration information to the consumer device, the configuration information relating

to the data sample;" (column 11 lines 11-56 and column 16 lines 10-20, wherein site

controllers contain memory with look-up tables holding specific settings and functions,

and can pass messages to a plurality of sensor/actuators containing commands)

"automatically transmitting the configuration information stored in the producer

device that is not from a central configuration repository_ from the producer device to

the consumer device via the network in response to receiving the request from the

consumer device" (column 12 lines 8-19, lines 56-64, and column 15 line 25-41, lines

48-57, wherein a site controller can send changes in current sensor/actuator settings in

response to detected data from sensor/actuators)

As per claim 24, Petite teaches "configuration information is stored in the

producer device." (column 11 lines 11-22, column 17 lines 12-26, lines 36-42)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-14 and 17-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Petite (US Patent 7,103,511 B2) in view of Carlson et al. (US Patent

7,133,907 B2)

As per claim 1, Petite teaches "A system for sharing configuration information

among a plurality of devices," (see Abstract and column 2 line 48 – column 3 line 6)

"the system comprising: a network;" (Figure 1 and column 4 lines 21-34)

"a plurality of consumer devices in communication with the network;" (Figure 1

references 130, 140, column 5 lines 17-23, and column 6 lines 44-61, wherein one or

more sensors or actuators are connected to the network)

"and a plurality of producer devices in communication with the network,

the plurality of producer devices able to communicate with the plurality of

consumer devices via the network," (column 5 lines 57-10, wherein a plurality of

site controllers are connected to a plurality of sensors/actuators via transceivers,

and is also connected to the automated monitoring system, including multiple

user workstations)

"each of the plurality of producer devices including independent

configuration information protocol without a central configuration information

repository that when provided to one of the plurality of consumer devices allow

the receiving consumer device to properly configure data received from the

producer device from which the configuration information was received," (column

11 lines 11-56 and column 16 lines 10-20, wherein site controllers contain

memory with look-up tables holding specific settings and functions, and can pass

messages to a plurality of sensor/actuators containing commands)

"each of the plurality of consumer devices able to automatically request

configuration information from one of the plurality of producer devices pertaining

to data received from the one of the plurality of producer devices in response to

receiving data from the one of the plurality of producer devices." (column 12 lines

8-19, lines 56-64, and column 15 line 25-41, lines 48-57, wherein a site controller

can send changes in current sensor/actuator settings in response to detected

data from sensor/actuators)

Petite does not teach "one of the plurality of producer devices having

configuration information that can be different than the configuration information in

another of the plurality of producer devices,"

Carlson teaches "one of the plurality of producer devices having configuration

information that can be different than the configuration information in another of the

plurality of producer devices," (column 6 lines 7-22, column 6 line 61 – column 7 line 21,
wherein a plurality of elements contain multiple different configuration information for a
plurality of resources).

It would have been obvious at the time of the invention for one of ordinary skill in
the art to modify Petite's system of monitoring and controlling a plurality of remote
devices with Carlson's ability to utilize multiple configuration information contained in
different elements to provide configuration elements for a plurality of resources to
handle multiple configuration files contained in different sources. This gives the user the
ability to utilize multiple configurations that are separately stored in different site
controllers. The motivation for doing so would be to provide an optimal configuration in a
network (column 2 lines 37-39)

As per claim 2, Petite teaches "the configuration information includes one or
more of data type, encoding, location, and array length a signature, a time stamp, data
size, an array element index, cardinality, an offset, and an address of a data sample."
(column 17 lines 12-26, lines 36-42)

As per claim 3, Petite teaches "the configuration information includes default
values." (column 11 lines 33-45, "function codes")

As per claim 4, Carlson teaches "the configuration information includes a first
configuration and a second configuration, the second configuration being unique in
comparison to configurations of all other producer devices, the producer device
transmits the data sample having the first configuration and a version of the first

configuration and at least one of an indication that the second configuration is pending and a version of the second configuration." (column 10 lines 6-35, column 11 lines 7-17)

As per claim 5, <u>Carlson</u> teaches "the producer device receives a request from the consumer device to send the configuration information in response to the at least one of the indication that the second configuration is pending and the version of the second configuration." (column 10 line 36 – column 11 line 3)

As per claim 6, <u>Carlson</u> teaches "the configuration information includes a first configuration and a second configuration, the second configuration being unique in comparison to configurations of all other producer devices, the producer device transmits at least one of the data sample having the first configuration, a version of the first configuration, an indication that the second configuration is pending, and a version of the second configuration." (column 10 lines 6-35, column 11 lines 7-17)

As per claim 7, <u>Carlson</u> teaches "the producer device receives a request from the consumer device to send the configuration information in response to the at least one of the indication that the second configuration is pending and the version of the second configuration." (column 10 line 36 – column 11 line 3)

As per claim 8, <u>Petite</u> teaches "the consumer device detects a mismatch in the configuration information via the network." (column 6 line 62 – column 7 line 7)

As per claim 9, <u>Petite</u> teaches "the producer device receives an instruction from external source to change the configuration information from a first configuration to a second configuration." (column 20 lines 33-45)

As per claim 10, Petite teaches "the producer device instructs the consumer device via the network that a change in the configuration information is pending." (column 18 lines 9-22)

As per claim 11, Petite teaches "the producer device maintains a first configuration for a predetermined time and creates a second configuration." (column 17 lines 12-26, lines 36-42)

As per claim 12, Petite teaches "the producer device transmits the second configuration to the consumer device." (column 15 lines 48-67)

As per claim 13, Petite teaches "the producer device implements the second configuration and the consumer device responds and implements the second configuration." (column 16 line 55 – column 17 line 11)

As per claim 14, Petite teaches "the network includes at least one of an local area network, a wide area network, a global network, a virtual private network, an intranet, an Ethernet local area network with internet protocol." (Figure 1 reference 120 and column 5 lines 57-65)

As per claim 17, Petite is disclosed as per claim 15 above. Petite does not teach "receiving an instruction at the producer device to change the configuration information from a first configuration to a second configuration."

Carlson teaches "receiving an instruction at the producer device to change the configuration information from a first configuration to a second configuration." (column 6

lines 7-22, column 6 line 61 – column 7 line 21, wherein a plurality of elements contain

multiple different configuration information for a plurality of resources).

It would have been obvious at the time of the invention for one of ordinary skill in

the art to modify Petite's system of monitoring and controlling a plurality of remote

devices with Carlson's ability to utilize multiple configuration information contained in

different elements to provide configuration elements for a plurality of resources to

handle multiple configuration files contained in different sources. This gives the user the

ability to utilize multiple configurations that are separately stored in different site

controllers. The motivation for doing so would be to provide an optimal configuration in a

network (column 2 lines 37-39)

As per claim 18, Petite teaches "instructing the consumer device via the network

that the change in the configuration information is pending." (column 18 lines 9-22)

As per claim 19, Petite teaches "maintaining the first configuration at the

producer device for a predetermined time and creating the second configuration at the

producer device." (column 17 lines 12-26, lines 36-42)

As per claim 20, Petite teaches "transmitting the second configuration to the

consumer device." (column 15 lines 48-67)

As per claim 21, Petite teaches "implementing the second configuration at the

producer device." (column 15 lines 48-67 and column 17 lines 36-42)

As per claim 22, Petite teaches "implementing the second configuration at the

consumer device in response to the producer device implementing the second

configuration." (column 16 line 55 – column 17 line 11)

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

   Slaughter et al. (US Patent 6,014,669 A)

   Davis et al. (US Publication 2002/0027504 A1)

   Krzyzanowski et al. (US Patent 6,792,323 B2)

   Zintel et al. (US Patent 7,130,895 B2)

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo   Tim T. Vo
Examiner   SPE

TIM VO
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